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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/767,411  
Filing Date: January 27, 2004  
Appellant(s): NAVARRE ET AL.

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Daniel J. Glitto  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 28 July 2010 appealing from the Office action mailed 30 September 2009.

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**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

- a. Claims 1-20 are pending.
- b. Claims 1-20 have been rejected.
- c. Claims 1-20 have been appealed.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds

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of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

### **(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

### **(8) Evidence Relied Upon**

5,634,127	Cloud et al	11-1994
5,054,947	Messenger et al	12-1985
5,659,727	Velissaropoulos et al	06-1995

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4, 6-8, 10-14, 16-18, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloud et al (U.S. Patent No. 5,634,127, hereinafter referred to as CLOUD), filed on 30 November 1994, and issued on 27 May 1997, in view of Messenger et al (U.S. Patent No. 5,051,947, hereinafter referred to as MESSENGER), filed on 10 December 1985, and issued on 24 September 1991,

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and in further view of Velissaropoulous et al (U.S. Patent No. 5,659,727, hereinafter referred to as VELI), filed on 7 June 1995, and issued on 19 August 1997.

3. **As per independent claims 1, 10, and 20**, CLOUD, in combination with MESSENGER and VELI, discloses:

A method comprising:

- (a) transmitting a set of data access transactions to respective applications {See CLOUD, col. 11, lines 27-34, wherein this reads over "decompose the message receive and invoke several task to independently retrieve information from whatever different sources are necessary"}, wherein at least some of the set of data access transactions comprise a first optional data item {See MESSENGER, C20:L1-10, wherein this reads over "[a]nother optional attribute is the inclusion of arbitrary boolean expression in the search definition, such as: (CAT and DOG) or (KITTEN and PUPPY)"}, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item {See VELI, C15:L57-62, wherein this reads over "[a]n Ignorable attribute specifies that a parameter can be ignored by the receiver of a command if the receiver does not provide the support requested. The parameter can be sent optionally by all senders. The parameter codepoint must be recognized by all receivers}; and,
- (b) integrating the set of responses received from the respective applications {See CLOUD, Abstract, wherein this reads over "[i]nformation resulting from workflows and information retrieved from back-end servers may be integrated into a single reply message to the requesting client"}.

While CLOUD fails to expressly disclose the incorporation of optional data items within the set of data access transactions, MESSENGER discloses the method wherein a search may include optional data items, and wherein said data items may be optionally processed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by CLOUD with the invention disclosed by MESSENGER.

One of ordinary skill in the art would have been motivated to do this modification so that optional data items may be transmitted within the data access transactions such that the optional data items need are processed when an application does not recognize said requested optional data items.

Additionally, while the combination of CLOUD and MESSENGER may fail to expressly disclose the limitation of "wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item," VELI discloses a system wherein a parameter may be ignored by the receiver of a command if the receiver does not provide the

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support requested. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by CLOUD and MESSENGER with the invention disclosed by VERI.

One of ordinary skill in the art would have been motivated to do this modification so that optional parameter may be ignored while the data access transaction is processed.

4. **As per dependent claims 2 and 11**, CLOUD, in combination with MESSENGER and VELI, discloses:

The method of claim 1 further comprising, before (a), receiving a request from a second application, the second application being different from the respective applications {See CLOUD, col. 11, lines 15-16, wherein this reads over "the work flow manager is initiated by a request message which it receives as input"}.

5. **As per dependent claims 3 and 13**, CLOUD, in combination with MESSENGER and VELI, discloses:

The method of claim 2, wherein the request is transmitted by the second application in response to user initiation {See CLOUD, Figure 10; and col. 16, lines 6-9, wherein this reads over "a customer service representative initiates a request message. The message is received at the MDP and a message control block is established"}.

6. **As per dependent claims 4 and 14**, CLOUD, in combination with MESSENGER and VELI, discloses:

The method of claim 2, wherein the request is transmitted by the second application in response to intelligent agent software initiation {See CLOUD, col. 8, lines 30-34, wherein this reads over "the input request manager can translate disparate front end message protocols into MDP message formats, allowing clients with existing application message formats to be accepted by the workflow Manager"}.

7. **As per dependent claims 6 and 16**, CLOUD, in combination with MESSENGER and VELI, discloses:

The method of claim 2 further comprising automatically identifying the set of data access transactions from the request {See CLOUD, col. 11, lines 27-34, wherein this reads over "the work flow will decompose the message received and invoke several tasks to independently retrieve information from whatever different sources are necessary"}.

8. **As per dependent claims 7 and 17**, CLOUD, in combination with MESSENGER and VELI, discloses:

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The method of claim 1 further comprising returning the integrated set of responses to a second application, the second application being different from the respective applications {See CLOUD, col. 11, lines 30-34, wherein this reads over "the work flow manager manages all of the information placed into the session control block, to be described hereinafter, into one or more comprehensive replies which may then be sent back to the client"}.

9. **As per dependent claims 8 and 18**, CLOUD, in combination with MESSENGER and VELI, discloses:

The method of claim 1 further comprising:

receiving user identification information from a second application, the second application being different from the respective applications {See CLOUD, col. 11, lines 15-16, wherein this reads over "the work flow manager is initiated by a request message which it receives as input"}; and

verifying the received user identification information by accessing a user profile database {See CLOUD, col. 8, lines 26-34, wherein this reads over "security checking and client validation and registration functions"}.

10. **As per dependent claim 12**, it would be inherent for the second application to operatively transmit a request to the processor since without the ability to communicate with the processor, the application would not be able to functionally operate.

11. **Claims 5 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over CLOUD, in view of MESSENGER and VELI, and in further view of Official Notice.

12. **As per dependent claims 5 and 15**, the Examiner takes Official Notice that it would have been widely-known and obvious to one of ordinary skill in the art that the request is transmitted by the second application using a web browser.

13. **Claims 9 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over CLOUD, in view of MESSENGER and VELI, and in further view of Ferguson et al (U.S. Patent No. 5,819,092, hereinafter referred to as FERGUSON), filed on 6 October 1997, and issued on 6, October 1998.

14. **As per dependent claims 9 and 19**, CLOUD, in combination with MESSENGER and FERGUSON, discloses a method comprising computing a fee for using the respective applications by accessing a user profile database {See FERGUSON, col. 29, lines 36-39, wherein this reads over "subtool allows the

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developer of an online service to specify the fees that will be levies on or paid to users"; and col. 30, lines 1-5, wherein this reads over "fees can depend on . . . the identity of the user"}.

The combination of inventions disclosed in CLOUD and FERGUSON would disclose a system wherein application use fees would be calculated according to the identity of the user and the respective applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by CLOUD by combining it with the invention disclose by FERGUSON.

One of ordinary skill in the art would have been motivated to do this modification so that users may be charged access fees.

#### **(10) Response to Argument**

a. Rejection of claim 1 under 35 U.S.C. 103

Appellant asserts the argument that "Velissaropoulous et al fails to teach or suggest processing a set of data access transaction even when the respective application does not recognize an optional data item." See Appeal Brief, page 11. Specifically, Appellant further asserts the argument that Velissaropoulous et al "does not manage instances in which an application does not recognize a data item and, therefore, cannot teach or suggest processing a set of data items even when a data item is not recognized." See Appeal Brief, page 12.

The Examiner respectfully disagrees. It is noted that the prior art reference of Velissaropoulous et al is directed to a system wherein a parameter may be one of a Required, an Optional, or an Ignorable attribute. Specifically, wherein a parameter is indicated to be an Ignorable attribute, Velissaropoulous et al discloses that the "parameter can be ignored by the receiver of a command if the receiver does not provide the support requested." See Velissaropoulous et al, column 15, lines 57-62. Thus, wherein the parameter is an Ignorable attribute and the receiver cannot provide the support requested (i.e. does not recognize the first



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optional data item), the receiver may continue to process the remainder of the parameters found within the command (i.e. the respective applications process the set of data access transactions).

While Velissaropoulous et al discloses that "a parameter codepoint must be recognized by all receivers," Velissaropoulous et al further discloses that "a parameter can be ignore by the receiver of a command if the receiver does not provide the support requested." See Velissaropoulous et al, column 15, lines 57-62. Therefore, the Examiner notes that the features of a "parameter codepoint" and the actual "parameter" are distinguishable. Velissaropoulous et al defines a "codepoint" as an element which "specifies the data representation of a dictionary class." See Velissaropoulous et al, column 2, lines 20-26. Velissaropoulous et al defines a "parameter" as an element which describes "the objects that can be sent as parameters of the command." See Velissaropoulous et al, column 2, lines 38-44. Furthermore, Velissaropoulous et al discloses that "parameters can be sent in any order because they are identified by their class codepoints." See Velissaropoulous et al, column 2, lines 38-44. Accordingly, it is noted that said codepoints and parameters are distinguishable from one another in that codepoints are used to identify a set of parameters. Accordingly, the Examiner notes that while Velissaropoulous et al discloses that codepoints (which provide the structure for parameters) must be recognized by all receivers, the parameters which are transmitted via the command may be ignored if the receiver does not provide the support requested. That is, while support for the codepoints may be a requisite element of the disclose invention in Velissaropoulous et al, it is noted that support for the parameters is not required such that parameters may be characterized as ignorable.

Therefore, it is noted that the combination of Cloud et al, Messenger et al, and Velissaropoulous et al would read upon the claimed invention as recited. Accordingly, the rejection of claim 1 under 35 U.S.C. 103 are maintained.

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b. Rejection of claim 10 under 35 U.S.C. 103

Appellant relies on the aforementioned assertions made in relation to claim 1.

Accordingly, the Examiner maintains the rejection of claim 10 for the aforementioned reasons above in subparagraph (a).

c. Rejection of claim 20 under 35 U.S.C. 103

Appellant relies on the aforementioned assertions made in relation to claim 1.

Accordingly, the Examiner maintains the rejection of claim 20 for the aforementioned reasons above in subparagraph (a).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Paul Kim/

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